IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUMM FOR JUDGMENT NO. 520 OF 2003

IN

SUMM.SUIT NO. 4104 OF 1994

Kashap H. Wadhwa .. Plaintiff

versus

M/s.Arun Enginering Works & ors... Defendants

Mr.A.N. Makhijani for the plaintiff.

Mr.Tushar Bhavsar i/b Ashok Purohit for the defendants.

CORAM : D.G. KARNIK, J

DATED : 3rd May 2005.

P.C:-

1. Heard learned counsel for the parties. Suit appears to be filed for damages for breach of the contract i.e. Memorandum of Settlement at Exhibit A to the plaint. As such, learned counsel for the defendants submits that the suit cannot be tried as a Summary Suit. The defences raised by the defendants needs consideration. Triable issues arise in this case. Hence, the defendants are granted unconditional

leave to defend the suit. Suit shall stand transferred to the list of commercial causes. The defendants to file the written statement within four weeks.

D.G.KARNIK, J